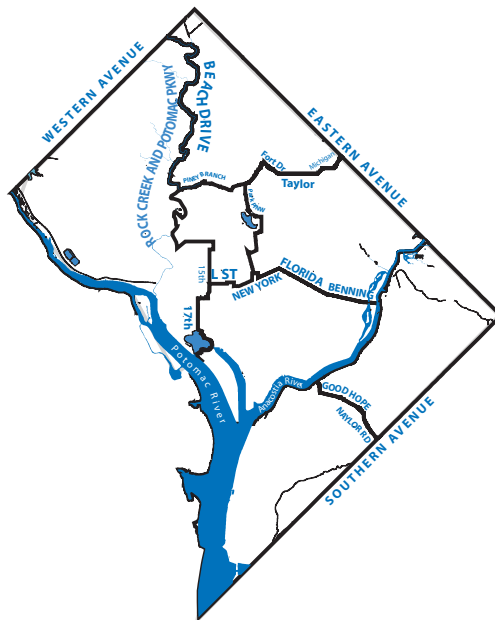


Bias-Related Crime

*in the
District of Columbia*



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The Fenty administration remains committed to working with communities in the District of Columbia to address and reduce hate crimes and perceptions of bias in our city. As part of this effort, in November 2009, the Metropolitan Police Department (MPD) released the District's first report on bias-related crimes. The report highlighted trends in hate or bias-related crimes in the District of Columbia from 2005 through September 30, 2009, and efforts in the District to address them. This addendum to the report updates the data for all of 2009. Starting in the spring of 2011, MPD will provide this information in an annual report.

Bias-Related Crimes Law

District law establishes a possible sentencing enhancement upon conviction for a hate crime. In layman's terms, this means that the police do not charge someone with committing a hate crime, only for the underlying crime that may have been motivated by bias. A person can be *arrested* for the underlying crime and then *prosecuted* for a hate crime.

Under the *Bias-Related Crime Act of 1989* (D.C. Official Code § 22-3700 *et. seq.*), to qualify as a hate or bias-related crime in the District of Columbia, an incident must be reported to MPD, which will make an initial determination of whether the incident meets the following two standards:

- (1) Whether the incident is a "bias-related crime," meaning a designated act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness,¹ physical disability, matriculation, or political affiliation of a victim of the subject designated act.
- (2) Whether the crime is a "designated act," meaning a criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry. D.C. Official Code § 22-3701.

In order to successfully prosecute a hate crime, the government must establish beyond a reasonable doubt both that the defendant committed the crime, and that he or she was motivated by prejudice because of an actual or perceived difference.² It is not sufficient to merely prove that the defendant belonged to different group than the victim; the criminal act had to have been motivated by the prejudice. If a person is found guilty of a hate crime, the court may fine the offender up to 1 ½ times the maximum fine and imprison him or her for up to 1 ½ times the maximum term authorized for the underlying crime. D.C. Official Code § 22-3703.

Bias-Related Crimes Data

Since 2005, MPD has reported data on sustained hate crimes to the Federal Bureau of Investigation (FBI), consistent with FBI reporting definitions and standards. The FBI's definition

¹ Homelessness was added as a designated class for bias-related crimes in the *Omnibus Public Safety and Justice Emergency Amendment Act of 2009*, effective August 6, 2009.

² See Jury Instruction 4.99C

of a hate crime³ is narrower than the District's. For instance, the District includes hate crimes based on political affiliation, whereas the FBI does not. Since the data presented in this report include all hate crimes supported under District law (D.C. Official Code § 22-3701), the figures differ slightly from the MPD's reports to the FBI.

Type of Bias

Type of Bias	2005	2006	2007	2008	2009
Ethnicity/national origin	1	3	2	2	3
Race	6	8	4	5	2
Religion	7	5	6	0	0
Sexual orientation	29	36	19	26	30
Gender identity / expression	--	--	7	4	5
Disability	0	1	0	0	0
Political affiliation	1	1	1	1	1
Total	44	54	39	38	41

Since 2005, a bias related to sexual orientation has been the most frequent type of bias for hate crimes in the District. In 2009, a bias based on sexual orientation accounted for 73 percent of all hate crimes. The next most common bias was based on gender identity or expression,⁴ with five biased-related crimes against transgender individuals. In addition, there were three crimes based on ethnicity or national origin, two racially motivated hate crimes, and one crime based on political affiliation. There are a few notable trends in the data from 2005 through 2009. However, since the number of crimes is relatively low, it is important to note that small shifts in numbers can appear larger and more significant in percentages. Therefore any shifts should be interpreted carefully.

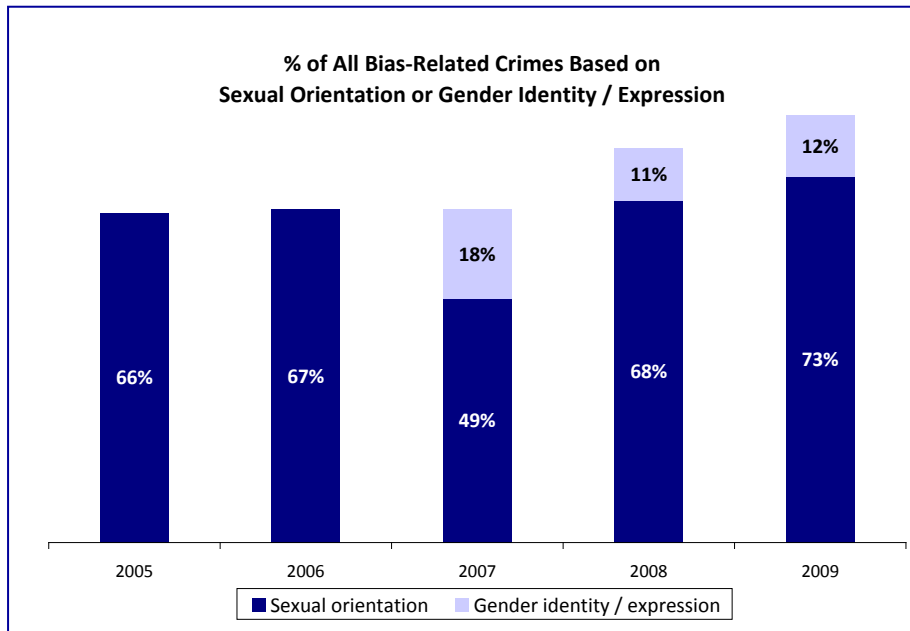
There has been a small decline in bias-related crimes, from highs in 2005 (44 crimes) and 2006 (54 crimes), to 38 to 41 crimes in each of the past three years. Over the past five years, there has been a marked decline in crimes based on religion, race, and ethnicity/national origin – from a combined high of 16 in 2006 to a low of five in 2009. The number of crimes based on sexual orientation or gender identity⁵ has experienced the most variance, from a low of 26 crimes in 2007, to a high of 36 in 2006. However, because crimes based on other types of bias have decreased in the past two years, there has been a marked shift in the *proportion* of crimes based on sexual orientation or gender identity / expression. In 2005 and 2006, two-thirds of all bias-

³ Under FBI reporting, a hate crime, also known as a bias crime, is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin. Crimes categorized as "gender identity/expression" under the DC Code would be reported to the FBI under sexual orientation.

⁴ This report addresses an important distinction in types of bias. Under DC Official Code, there are two separate classifications for crimes motivated by a bias against sexual orientation and one based on gender identity or expression. Therefore beginning with 2007 data – which coincides with MPD's 2007 issuance of an important policy on police procedures related to transgender individuals – MPD has reviewed the sexual orientation cases and, if the victim was known to be a transgender individual, reclassified the type of bias to gender identity / expression. While the total crimes reported for sexual orientation and gender identity / expression accurately reflects the data as of the date of the report, the categorization is subject to change if new information is presented.

⁵ To allow for comparison with 2005 and 2006 data, this analysis combines the sexual orientation and gender identity / expression figures.

related crimes were based on sexual orientation. This rose to 79 percent of all hate crimes in 2008 and 85 percent in 2009.



Type of Crime

Type of Offense	2005	2006	2007	2008	2009
Aggravated Assault	10	18	8	6	12
Arson	0	0	0	0	1
Burglary	0	0	1	1	0
Defacing / Destruction of Property	10	14	6	3	2
Homicide	0	0	0	0	1
Kidnapping	0	0	1	0	0
Larceny/Theft	1	1	1	1	0
Other Misdemeanors	0	0	0	0	2
Robbery	4	2	0	5	3
Simple Assault	13	13	15	15	12
Stalking	1	2	0	2	0
Threats	5	4	7	5	8
Total	44	54	39	38	41

For consistency with FBI reporting, the offense types are provided according to FBI offense categories.

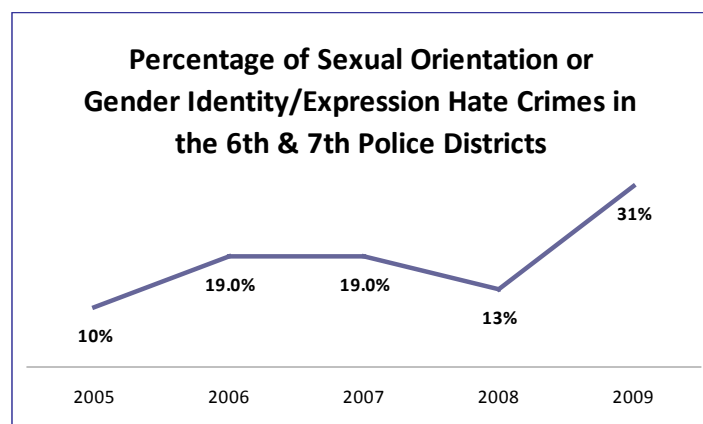
Simple or aggravated assaults are the most common type of hate crimes (59 percent in 2009 and 56 percent of the five year total). Defacing or destruction of property is the next most common type of offense over all five years (16 percent), but there has been on a downward trend over the past three years. Threats were more common in 2009, representing 20 percent of all hate crimes, compared to 13 percent of all hate crimes over the 5-year period.

Location

District Type of Bias	First		Second		Third		Fourth		Fifth		Sixth		Seventh		Total	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
Ethnicity/national origin	0	0	0	0	0	0	0	1	1	1	0	0	1	0	2	2
Race	0	1	1	1	2	1	0	0	0	0	2	0	0	0	5	3
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual orientation	4	2	5	8	10	8	1	2	3	2	3	3	5	26	30	
Gender identity / expression	1	0	0	0	1	1	0	0	1	1	1	2	0	1	4	5
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Political affiliation	0	0	0	1	1	0	0	0	0	0	0	0	0	1	1	
Total	5	3	6	10	14	10	1	3	5	4	3	5	4	6	38	41

From 2008 to 2009, there has been a marked shift in the location of hate crimes based on sexual orientation and gender identity/expression. In 2008, 70 percent were in the First, Second, and Third police districts – areas that have historically had a higher proportion of gay, lesbian, bisexual, and transgender residents.⁶ In 2009, just over half (54 percent) of these hate crimes occurred in these three districts. In contrast, almost a third (31 percent) were reported in the Sixth and Seventh Districts, an increase from the 13 percent in 2008.

The geographical shift in hate crimes related to sexual orientation or gender identity/expression to the police districts east of the Anacostia River began in 2006 and 2007 and accelerated sharply in 2009. This shift strongly supports the expansion of MPD’s Special Liaison Branch (SLB) that was launched in December 2009. The SLB supports community policing with communities that are sometimes underserved, and includes the Asian Liaison Unit, Deaf and Hard of Hearing Liaison Unit, Gay and Lesbian Liaison Unit, and the Latino Liaison Unit. The SLB expanded to include “affiliate” officers on patrol throughout the city. The affiliate officers have volunteered to receive specialized training on diverse communities, their issues and how to best serve them. They will continue to work in their home district, but will receive coordinated support, information, and trainings through the SLB.



⁶ According to data in the 2005 American Community Survey, 69.3 percent of all self-identified same-sex couples reported living in Wards 1, 2, 3 and 6 which are in the areas of these police districts.